
BOARD OF SELECTMEN

MEETING MINUTES

12/2/08

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Meeting opened at 7:03 P.M. with the Pledge of Allegiance

PUBLIC DISCUSSION

Dave informed the board that he attended the site walk on the Whalom 40B project, would like to see the town keep an eye on this as the developer is not clear on his plans. Spoke with members of ZBA and they also have serious concerns. Hope project moves forward and that our Building Inspector is on top of the permitting and inspections. Many are concerned about the access and the issues involved.

Also, attended training at fire station on vehicular extrication and EMS services conducted on a couple of vehicles. The men & women on the Fire Department performed a number of different scenarios and training was impressive. There were at least 20 firefighter's involved, expressed appreciations for their participation.

Questioned reference checking on the developer for the Primary School proposal.

CAFO spoke with Assessor and will be based upon assessed value of 2.3 million (completed project), will equate to an estimated \$30K tax bill per year. As there is no provision in MGL to allow a payment in lieu of taxes for nonprofit the completed project will therefore be taxed. Currently the Assessors are carrying an assessed value of around \$800,000.

Chair suggested board compose a letter to the ZBA giving them our commentary on the Whalom project which is to be submitted to the CAFO and Chair will draft a letter based upon the individual board members concerns.

Paula informed the board that the Sewer Commission will also be providing a letter to the ZBA.

Steve regarding the Tennessee Gas Pipeline replacement and is questioning the bridge on Pleasant Street and if anything can be done as this could be a potentially hazardous situation.

CAFO spoke with DPW Director and Fire Chief; DPW Director has provided an updated memo and expects to have engineer out on site within next two weeks to investigate what it would entail to bring that bridge up to standards. Hope to have report within next 30 days. Anticipate being in touch with Unitil once the report is delivered.

ANNOUNCEMENTS

Annual Town Tree Lighting scheduled for tomorrow @ 6:00 pm at the Gazebo and refreshments to follow at the Passios Elementary School.

Congratulations to the Lunenburg Bengals on their regional win last week, and now they are on to nationals in Orlando. Also, congratulation to the HS Football team for their great season, one defeat and hopefully will be going on to the Division Super bowl.

APPOINTMENTS

None

CURRENT BUSINESS

1. CAFO Updates

- Provided and reviewed expenses to date as of November 30, 2008 on the Meadow Woods Water Sewer Line Extension Project also provided a copy to USRDA. We are now past the point where the fire detail was positioned within the park and this detail number has not been included in the spreadsheet as this has not been billed as of yet. Construction costs are 100% accurate as of the November 30th date. CAFO to check on whether the engineer's cost also includes the cost of as-builts for this project. RDA money will come after we do all the temporary financing. The project has to be completed before they would do the financing but there may be some flexibility. Project should be done by the end of the fiscal year and should have the money in from them when the project is complete. Contractor should be able to meet the April 15th deadline for construction.
- CAFO met with Jay Schwartz and Al Dettenrieder on the Town Hall Clock Tower project and options for the clock. They spoke with an engineer about whether it's feasible to shur up the bell and the clock winders are committed to funding this study. They will set up a meeting with the Building Inspector to discuss if this is an option. They believe that the funds that exist should be sufficient for the project. They will be before the Capital Planning Committee during their review process.
- Notice received from Police Department on the award of two grants, per attached.
- Two forfeited drug cars that have been put out to auction and will be on line with Fred's Auction House.

- Financial Management review; office staff has been in contact with the Department of Revenue (DOR) and expect to have the report within the next week or so. Will be presented to the board and at a public meeting. Audit reports are also available and Auditors are available to come before the board, possibly sometime in January.
- ICMA providing public library innovation grants, for cities and towns that are committed to using their public library as a vital tool in addressing community priorities and issues in a unique, non-traditional manner. Library Director has presented this to the Library Trustees as well and will be meeting with her and welcomes any ideas from the board or public. Applications are due on January 9th. Perhaps partnership with Teen Center, Senior Center or the City of Fitchburg.
- February 17th 2009, television stations will be switching from analog systems to digital, and there are options such as purchasing converter boxes. Information is available at town hall. Will also be submitted to PACC to be placed on the Community Bulletin Board.
- Website goals, have gone through a demo on a company that does website hosting. Best course would be to issue an RFP on web-site design, development and hosting. Would like to have some input from the board on this as there are members that have more expertise. Expect draft RFP for the board's review by the end of the month.

Steve questioned the surplus vehicle at the DPW, the one-ton dump (school) and whether makes sense to auction off at this time.

2. Minutes - None

Warrant #11P 09, 11/26/08 - \$629,144.94, #27 09, 11/25/08 - \$312,869.25, #28 09, 12/2/08 - \$338,962.70 and #29 09, 12/3/08 - \$327,526.23 reviewed and signed.

Contracts – see attached info from CAFO, Kerry Speidel with regards to her contract for 12/1/08 through 11/30/09.

Chair reiterated that the CAFO is forgoing any increase in her salary and sets the standard going forward for everybody in the budget season moving forward. Dave moved to approve with appreciation, Steve seconded, voted unanimously.

3. Action File Issues – Automatic Amusement License that was previously approved for On the Rocks (Lakefront Ave.) for two devices has been changed to reflect that permitting is necessary for one additional device.

4. License Commission Policy – Extension of Holiday Hours – Thanksgiving Eve, New Year's Eve – Chair reviewed the attached proposed policy as this has been an ongoing annual practice for this board to approve. Noted the addition (red) with reference to the board jurisdiction.

Previously has been granted on regular basis and this

Steven motion to adopt the Holiday Extension Hours Policy, Tom M., seconded, voted unanimously. Establishments will be notified and will be posted on the website.

Chair discussed a BYOB policy and CAFO informed the board that Laura has a draft and will present to the board.

OLD BUSINESS

1. Committee Updates

- Dave - Capital planning finalizing the requests which have come in at 1.9 million dollars. Noted that DPW Director has added paving and questioned the status of the paving scheduling software.
CAFO informed the board that we have found a software package that is affordable and has been out for about 20/25 years, about \$10,000 to purchase and a small annual fee. Researched regional planning associations and they will provide support, doesn't seem that ours does this, but may be a grant available. Makes sense to provide at least \$500,000 per year for road projects, not sure will be completed in time for the Capital Planning Committee.
Chair wants to see a plan for what roads are going to be done and when they are going to be done. Doesn't necessarily have to be digital, but would like something to present to the public.
Questioned Jones House and how the town is going to address this issue. CAFO will present a plan within the next few months and recommended having an inspection completed.
Next meeting for the Non Regionalization Study Committee's next meeting is scheduled for next Wednesday @ 6:30 pm, Brooks House.
- Chair attended the Finance Committee and will be working to address the deficits within the budgets for next fiscal year. Next meeting in December 11th.
- Paula informed the board that the Sewer Commission spoke with the developer for Tri-Town and the City of Fitchburg has allocated an additional 10,000 GPD and there will be a workshop meeting next Tuesday to work on the Sewer District bylaw.

COMMITTEE APPOINTMENTS / REAPPOINTMENTS / RESIGNATIONS

Requested recent list of vacancies.

EXECUTIVE SESSION

1. Contracts - No action

Being no further business board voted unanimously to adjourn Regular Session at 8:04 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant
Board of Selectmen

LICENSE COMMISSION

Holiday Extension of Hours Policy - 12/2/2008

“Extension of Hours Policy” shall mean permission granted by the Board to a liquor license/common victualler holder who under this policy allows intoxicating beverages to be consumed by patrons and customers in an establishment which is owned, operated, leased, maintained or otherwise controlled by the common victualler for the day immediately preceding Thanksgiving and New Year’s Day until 2:00 a.m. (Thanksgiving Eve and New Year’s Eve).

1. Definitions

For purposes of this policy, the following terms shall have the following meanings:

“Board” shall mean the Board of Selectmen acting as the Town’s local licensing authority for common victuallers under M.G.L. Chapter 140 of the General Laws.

“Common Victualler” shall mean a person duly licensed under the provisions of M.G.L. Chapter 140 to conduct a restaurant, hotel, clubs, taverns and general on premise.

“Restaurant, hotel, clubs, taverns and general on premise”, shall mean an establishment as defined in M.G.L. Chapter 138, Section 1 of the General Laws.

2. Obligations of A Common Victualler Granted Extension of Holiday Hours for Intoxicating Beverages until 2:00 a.m., last call to be no later than 1:30 a.m.

a. The common victualler shall not permit any person under the age of twenty-one to consume intoxicating beverages in the establishment. Any person shall, upon request of the common victualler, a Lunenburg police officer, or an agent of the Board, state his name, age, and address, and produce a valid identification document. The common victualler shall verify by appropriate picture identification that any patrons and customers consuming such intoxicating beverages in the establishment are twenty-one years of age or older. Any common victualler, or agent or employee thereof, under this policy who reasonably relies on a valid operator's license issued by the registry of motor vehicles pursuant to section eight of chapter ninety, a valid liquor purchase identification card issued pursuant to M.G.L. Chapter 138, Section 34B, a valid passport issued by the United States government or by the government of a foreign country recognized by the United States government, or a valid United States issued military identification card, for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of its common victuallers license by virtue of that individual’s under-age drinking in the establishment.

b. The common victualler shall only allow intoxicating beverages to be consumed in the designated areas of the establishment.

c. The common victualler shall ensure that intoxicating beverages are not consumed in the establishment by customers or patrons so as to cause or contribute to their becoming unruly and/or a danger to themselves or others either in the establishment or on the public ways upon leaving the establishment.

d. The common victualler shall immediately report to the Lunenburg Police Department any situation in which customers or patrons consuming alcohol in the establishment appear to present a danger to themselves or others either in the establishment or on the public ways by virtue of the consumption of intoxicating beverages.

3. Regulations

The board may promulgate rules and regulations not inconsistent with the provisions of this policy for clarifying, carrying out, enforcing, implementing and preventing violations of, all and any of its provisions.

The Board may cause an examination or examinations to be made of the premises of the license holder or may otherwise review such evidence as the Board deems credible to determine whether such premises comply in all respects with the appropriate definitions of section one and whether activities conducted on the premises comply in all respects with the provisions of this policy. The Board may deny an extension of hours to any establishment where the premises and/or the activities conducted on the premises do not in the Board's judgment so comply.

SUMMARY

The Board of Selectmen has statutory authority to issue liquor licenses and common victualler licenses.

TOWN OF LUNENBURG

BOARD OF SELECTMEN

17 Main Street, PO Box 135
Lunenburg, MA 01462-0135

Thomas A. Alonzo, Chairman
Paula J. Bertram, Vice-Chairman
Steven M. deBettencourt, Clerk
Thomas J. Mason, Member
David J. Matthews, Member



Office Hours
Mon, Wed, Thu. 8:00AM – 4:00PM
Tues. 8:00AM - 6:30PM
Fri. 8:00 AM – 12:30 PM
978-582-4144, FAX 978-582-4148

Kerry A. Speidel
Chief Administrative Financial Officer
Laura B. Williams
Chief Administrative Assistant

MEMORANDUM

To: Board of Selectmen

From: Kerry A. Speidel, Chief Administrative & Financial Officer

Subject: CAFO Contract

Date: December 1, 2008

Section 3 of my employment contract reads as follows, *"The Town shall pay Kerry Speidel for her services performed under this Agreement as follows:*

December 1, 2007 to November 30, 2008 *\$115,000*

Salary increases for December 1, 2008 and December 1, 2009 to be negotiated with the Board of Selectmen provided that the Chief Administrative and Financial Officer receives a satisfactory performance review for the previous fiscal year, pursuant to Section 8 of this Agreement. If the Chief Administrative and Financial Officer does not receive a salary increase she shall be paid in accordance with the previous year's salary."

Based upon the projected deficit for the coming fiscal year, I have decided not to seek a salary increase at this time and respectfully request that you set my salary for the period of December 1, 2008 to November 30, 2009 at \$115,000.

Should you have any questions, or require additional information, please let me know.

/kas